IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 1321 of 2007(G)

PETITIONER:

M.ABDUL KAREEM, S/O. MOHAMMED MUSLIYAR,
MUSLIYARAKATH HOUSE, KOLLAMBARIL,
CHATHANGOTTUPURAM P.O., MALAPPURAM DISTRICT.
PRESENT ADDRESS : M.ABDUL KAREEM, C/O. MUNEER AUTO
PARTS BUILDING, ANGADIPURAM P.O., PERINTALMANNA
TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.MUHAMMED SALAHUDHEEN

RESPONDENTS:

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1. CITY CORP FINANCE (INDIA) LTD.,
REGD. OFFICE, C/O. BUSINESS COMMUNICATION CENTRE,
CHIRAMEL CHAMBERS, KURUSHUPALLY ROAD, RAVIPURAM,
ERNAKULAM, KOCHI-682 015.

2. MR. D.SARAVANAN,
ADVOCATE/ARBITRATOR, NEW NO.346, OLD NO.161,
1ST FLOOR, THAMBU CHETTY STREET,
CHENNAI-600 001.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE STATEMENT GIVEN BY THE 1ST RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE LOAN CUM HYPOTHECATION AGREEMENT DATED 16.4.2004.

EXT.P3: TRUE COPY OF THE NOTICE DATED 16.11.2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE DETAILED OBJECTION DATED 11.12.2006.

EXT.P5: TRUE COPY OF THE POWER OF ATTORNEY.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.1321 OF 2007

DATED THIS THE 11th DAY OF JUNE, 2007

JUDGMENT

The petitioner is a party to a contract in respect of purchase of an earth remover. Dispute has arisen between the petitioner and the 1st respondent in respect of the balance payment under a hire purchase agreement. The matter was referred for arbitration by the 2nd respondent. The petitioner challenges the jurisdiction of the arbitrator. According to the petitioner, going by the contract the jurisdiction lies at Kochi and not at Chennai where only the arbitration proceedings are sought to be proceeded with. I am afraid that this question cannot be gone into in a writ petition that too against private individuals. Therefore the writ petition is not maintainable and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

Acd